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HOFFMAN WARNICK D ALESSANRO LLC #6350 P.009

REMARKS

By this amendment, Applicant has amended claims 1 and 15, canceled claims 7 and 20, without prejudice, and added new claims 21-22. As a result, claims 1-6, 8-19, and 21-22 are pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicant does not acquiesce in the correctness of the objections and rejections and reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Initially, Applicant thanks the Examiner for noticing the allowable subject matter of claims 10-14 and 19-20. Further, Applicant thanks the Examiner for noticing the allowable subject matter of claims 5, and 7-9 if the claims comply with the written description requirement.

In the Office Action, the Office rejects claims 1-9 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the Office cites FIG. 10 of the application as allegedly failing to disclose the claimed feature that "substantially all of a vertical area of the test pattern intersects at least one horizontal line pattern and substantially all of a horizontal area of the test pattern intersects at least one vertical line pattern". However, Applicant notes that FIG. 10 shows an area of an illustrative feature pattern, which may be included in the claimed test pattern referred to in the above-referenced feature, not the claimed test pattern.

Regardless, support of the claimed feature is clearly found with reference to, *inter alia*, FIG. 1. To this extent, FIG. 1 shows an illustrative test pattern 10 that includes horizontal line patterns 18 and vertical line patterns 20. Each horizontal line pattern 18 is located in test pattern

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10 in such a manner that substantially all of a vertical area of test pattern 10 intersects at least one horizontal line pattern 18. For example, at least one horizontal line pattern 18 is included in each column 14A-E of test pattern 10. Together, columns 14A-E define substantially all of the vertical area of test pattern 10. Similarly, each vertical line pattern 20 is located in test pattern 10 in such a manner that substantially all of a horizontal area of test pattern 10 intersects at least one vertical line pattern 20. For example, at least one vertical line pattern 20 is included in each row 12A-E of test pattern 10. Together, rows 12A-E define substantially all of the horizontal area of test pattern 10. As a result, Applicant respectfully requests withdrawal of the rejection of claims 1-9 as allegedly failing to comply with the written description requirement.

Further, the Office rejects claims 1-4, and 6 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,765,282 (Schulz). With respect to claim 1, Applicant has herein amended the claim to include the allowable subject matter of claim 7. As a result, Applicant respectfully requests withdrawal of the rejection of claim 1 and claims 4 and 6, which depend therefrom, as allegedly being anticipated by Schulz.

Further, the Office rejects claims 15-16 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schulz. With respect to claim 15, Applicant has herein amended the claim to include the allowable subject matter of claim 20. As a result, Applicant respectfully requests withdrawal of the rejection of claim 15 and claim 16, which depends therefrom, as allegedly being unpatentable over Schulz.

Further, the Office rejects claims 17-18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schulz in view of U.S. Patent No. 5,847,818 (Lin). Applicant notes that the Office incorporates its interpretation of Schulz as allegedly disclosing the features of claim 15

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from which these claims depend. To this extent, Applicant herein incorporates the arguments presented above with respect to claim 15. Further, Applicant notes that the addition of Lin does not overcome the incorporated arguments. As a result, Applicant respectfully requests withdrawal of the rejection of claims 17-18 as allegedly being unpatentable over Schulz in view of Lin.

Applicant submits that claims 21-22 are allowable as presented. In particular, these claims depend from the previously allowed claim 10, and include similar features as those considered in claims 2-4. As a result, Applicant respectfully requests allowance of these claims.

Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

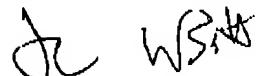
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In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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